

WRIT TO PROHIBIT RECOUNT

APPELATE DIVISION TO PASS ON VALIDITY OF THE LAW.

No Matter How It Decides, That Question
Can Be Taken to Highest Court—Cal-
culation That It Would Take Fifteen
Months to Settle Brooklyn Recount.

The proceedings instituted by William R. Hearst for the reopening of the ballot boxes used in the Mayoralty contest of November 7, 1905, under the new recount law got a setback yesterday when Justice Jenkins, presiding Justice of the Appellate Division, Second Department, granted a writ prohibiting further action in the matter in the Supreme Court of that department. The writ was granted upon the joint petition of George B. McClellan as a citizen and a taxpayer, Herman A. Metz, the Comptroller, and John T. Dooling, the president of the Board of Elections which issued to Mayor McClellan his certificate of election.

Hearst, through his attorney, Clarence J. Shearn, was just about to apply for an order for permission to open the ballot boxes in Kings and Richmond when the writ was issued by Justice Jenkins. It stops all proceedings under the law in those counties until the constitutionality of the recount law shall have been passed upon. The order is made returnable to-morrow before the Appellate Division in Brooklyn, when the constitutionality of the law will be argued. No matter what the decision is it will be carried to the Court of Appeals and perhaps to the United States Supreme Court. So in any event it will be months before the counting of the ballots can go on under this law. In the meantime Hearst can, if he chooses, go on with the quo warranto proceedings provided by the old statutes.

The application for the writ was made yesterday on the ground that the taxpayers and voters would be oppressed if the recount under the new law was allowed to proceed and the petitioners declared that adequate relief could be obtained only through a writ of prohibition. The Mayor appeared through his personal counsel, Eugene Lamb Richards, and Comptroller Metz and President Dooling were represented by the Corporation Counsel.

The Mayor in his affidavit says he is advised that the law is unconstitutional, void and contrary to public policy; that it deprives the citizen of his right to trial by jury, and that it takes his property without due process of law, thereby violating both the Constitution of the State and the Constitution of the United States; that the passage of the law was not within the legislative powers vested in the Senate and Assembly, and that it is unconstitutional because it grants in a local or private bill exclusive privileges to unsuccessful candidates for Mayor in cities of the first class and also delegates the taxing power by providing that the expenses of the recount shall be in the form of a tax on the people of New York city, but leaves it to the discretion of the candidate or candidates as to how much shall be spent.

The Mayor also declares that the measure limits the jurisdiction of the Supreme Court by requiring candidates to present petitions for recount to the Justices of the Supreme Court of the judicial district or district in which the election takes place. It also, he declares, imposes non-judicial functions upon the Supreme Court and abridges the jurisdiction of that body in the quo warranto proceedings now pending to try the title to office of the Mayor.

The law applies only to cities of the first class, which are New York and Buffalo, and the bill was not submitted to the Mayor of Buffalo, where, anyway, ballot machines are used and there are no ballots to recount.

In his affidavit Mr. Richards says that it would take fully sixty days just to get the ballots in Kings and Richmond before the court for canvass. To canvass 80,000 ballots in those two counties, Mr. Richards declares, would take a year. The Supreme Court Justice sixty months, laboring continuously and devoting their entire time to the task to the exclusion of all other work. Moreover, the law provides that the proceeding takes precedence over all other business of the court, so that if the canvass were to begin on September 1 next it would occupy the exclusive attention of ten justices of the Supreme Court until March 1, 1908. Besides that appeals to the Appellate Division would certainly involve at least 20,000 of the ballots. He further declares that it would take the Appellate Division six months to canvass 8,000 ballots and that it would take a further period of fifteen months to canvass the whole 20,000 ballots on appeal provided that the court remained in continuous session and excluded all other business.

The affidavit of the Comptroller followed closely the line of objections made by Col. McClellan, and that of President Dooling was a purely formal document.

Mr. Shearn refused last evening to discuss the writ and said that what he had to say about it would be said in court. He had arranged to apply to a Supreme Court Justice in this district to-day for permission to make the canvass in New York county, and he said he had no doubt that the routine proceeding would go on as planned. The whole matter, however, he said, would hinge on the decision in the case of the writ.

ALIEN BABY UNDER ESCORT.

Miss Marshall, a Nurse, Brought It Over on the Oceanic.

Miss Spencer Marshall, a first cabin passenger aboard the White Star liner Oceanic, in yesterday from Southampton, Cherbourg and Queenstown, was listed as a professional nurse. She came over simply to help an alien infant into the country. She refused to give the name of the baby or tell where she was taking it. It was learned that its mother is an American woman and its father an Englishman, and that it was bound to its mother's temporary home in Park avenue. Other passengers by the Oceanic were Thomas J. O'Brien, the new American Ambassador to Japan, who was until recently Minister to Denmark; Col. and Mrs. George Harvey, Countess Laugiers Villars, Samuel R. Lippincott, Eugene E. Mapee, John Hampden Robb and Mr. and Mrs. Harman Yerkes.

New York Central Lines
Fourth of July Excursions.
Narapa Falls, Thousand Islands, Adirondack Mountains and Green Mountains. One fare plus \$1.00 for rail round trip. See agents for particulars.—Ad.

After last, USHER'S the Scotch
that made the highball famous.—Ad.

HUNTING LAWSON; WANTS \$5,000.

Broker Who Won the "Reward" Can't Get at the Novelist.

Van Cline Holmes, the Consolidated Exchange broker who exposed the fallacy of the stock market theory propounded by Thomas W. Lawson in his novel, has been hot on the Boston man's trail ever since Lawson landed from Europe last week. Holmes wants the \$5,000 that Lawson offered as a reward. THE SUN told a short time ago of the fruitless efforts that the broker had made to get the reward from Lawson's representatives. That was so discouraging that Holmes decided to go it until the novelist himself got home.

But he hasn't met with much more success in his pursuit of Thomas W. He has been pretty close to him several times, but never within speaking distance. Yesterday, for instance, he got up to the door of Mr. Lawson's room in the Waldorf, but then the author's secretary interrupted him and said that Mr. Lawson couldn't possibly see him. Holmes has been hanging around the corridors of the Waldorf until his legs ache, he says, but Lawson always seems to be able to get out the back way.

Holmes read in the papers that Lawson had entered the market again and he hustled around to the Boston man's brokers in this city. It was really exasperating, Holmes says, to think that the author was plunging in the market, probably using that \$5,000. If there is any plugging to be done with that Holmes wants to do it himself. At the brokers' offices he was told that he couldn't see Mr. Lawson. He says he proposes to hunt him all the Boston trains and put his reward matter squarely up to Lawson if it costs him \$5,000 to do it.

NEW \$10 GOLD CERTIFICATES.

Bankers in Every Part of the Country to Be Provided With Them on July 1.

WASHINGTON, June 26.—The Treasury Department is preparing to provide bankers in every part of the country with the new \$10 gold certificates on July 1, the beginning of the fiscal year. The new certificates are the first gold notes of a denomination less than \$20, were issued under authority of the Aldrich act in order to supply the demand for more currency of small denomination. Number 4 of the new issue was presented to Assistant Secretary Reynolds of the Treasury Department to-day in exchange for other gold and lawful money.

Like the gold certificates, the back of the new note is printed in orange ink and there is some of the same color on the face of the bill. The face bears a finely wrought picture of Michael Hillegas, first Treasurer of the United States.

RECORD PRICE FOR U. S. COIN.

A Dollar of the 1864 Mintage Brings \$5,000 at Philadelphia Sale.

PHILADELPHIA, June 26.—The highest price ever paid for an American coin of regular issue, \$5,000, was given to-day for the 1864 dollar at the second day's sale of the Stickler collection, and this coin once more regains its title of the "King of American Coins," of which it was deprived last year when \$2,165 was paid for an 1822 half eagle. The same coin, which was bought by the New York Tribune yesterday, thought to be a well known Philadelphia collector, also got the rare dollar.

Mr. Stickler got the 1864 dollar in 1843 and it was the first 1864 dollar to come into notice. He got it from a mint official in exchange for other coins. He always considered it and the Brasher doubloon his greatest numismatic treasures.

The second highest figure of to-day's sale was \$2,000, paid by S. H. Chapman of this city for the 1815 half eagle, which is also a high record.

A 1798 eagle brought \$125. Half eagles brought the following prices: 1797, \$250; 1810, \$500; 1821, \$200; 1824, \$120; 1827, \$350; 1828, \$300; 1829, small date, \$250, and one of 1831, \$55. A rare quarter eagle of 1797 brought \$200, another of 1826, \$165; 1834, with motto, \$320, a new record.

REPORTS ON TEACHERS' LOBBY.

Verdicts of Remarks About Trips to Albany Laid Before Board of Education.

An enormous mass of written reports was laid before the meeting of the Board of Education yesterday relating to the teachers going to Albany to lobby for the White salary bill, which was afterward vetoed by Gov. Hughes. The reports had been made out by school principals and superintendents at the order of the board, and took up a whole lot of paper to tell the why and wherefore.

A strong arm clerk carried the load of papers to the desk of President Winthrop. The president had to stand on tiptoe to get a glimpse of the reports over the mountain. Then the secretary said:

"I don't see any list of names of the teachers that went to Albany, as the resolution called for." The names are in the reports," explained City Superintendent Maxwell.

"Gracious! I'll take a week to go through them," said a member.

On motion of Mr. Wilbur a special committee was appointed to investigate the absence of the teachers from their schools, and to make a report on the matter. The committee was instructed to make a report as soon as possible.

Another committee was appointed to make an investigation of reports that the teachers had raised a fund to be used in fighting for the White bill.

It is not likely that any teacher will be asked to resign, as it is expected that there is nothing in the by-laws of the Board of Education covering that matter, but there will be something there before next year, when it is expected that the teachers will try again. The board proposes to take time by the forelock, and by the time the Legislature meets again in regular session no teacher may go to Albany to lobby without permission of the board, and there will be some difficulty in getting the permission.

STRAUS TO VISIT PACIFIC COAST.

Will Inquire Into Situation on Japanese Immigration.

WASHINGTON, June 26.—Oscar S. Straus, Secretary of Commerce and Labor, will leave here on Saturday on a trip which will consume two months and embrace the Canadian and Maine borders, the Pacific Coast and Hawaii. It is understood that Secretary Straus will inquire particularly into the situation on the Pacific Coast in his bearing upon Japanese immigration and report the facts to the President. He will go first to Montreal and then proceed to the Coast through Canada, arriving at San Francisco about the middle of July. Mr. Straus will spend some days in that city and go hence to Honolulu. On the return trip from San Francisco he will take the Southern route.

4 TRACK MONORAIL TO NEWARK

BACKED BY THREE RAPID TRANSIT COMMISSIONERS.

John H. Starin, Woodbury Langdon, Charles Stewart Smith and Other Capitalists Propose to Run Trains at Least Once in 10 Minutes at 60 to 100 Miles an Hour.

John H. Starin, Woodbury Langdon and Charles Stewart Smith, all members of the expiring Rapid Transit Commission, are backing a four track elevated monorail road between Jersey City and Newark. Within a few days announcement will be made of the formation of a company, having behind it these and other capitalists, for the financing of the project. A franchise will be applied for under the State franchise laws of New Jersey, which will do away with the delay of waiting for the sanction of the municipal authorities of Jersey City and Newark.

Mr. Starin spoke with some enthusiasm yesterday of the advantages of the monorail system, although as members of the Rapid Transit Commission he and Mr. Langdon and Mr. Smith have helped to hold up the Behr monorail franchise to operate between Brooklyn and Coney Island. The Jersey road will be built under another patent. It is proposed to run trains at intervals of not more than ten minutes from sixty to a hundred miles an hour and to charge a three cent fare between Jersey City and Newark and a five cent fare between this city and Newark. How the company intends to get into New York has not been determined. Efforts are being made to bring about a working agreement with the McAdoo tunnel system. Although the new company would be a competitor of the McAdoo company for the Newark-Jersey City traffic the promoters of the new company believe that there will be no difficulty in making transfer arrangements at Jersey City with the McAdoo roads for the reason that the McAdoo company has already made similar working agreements with the Erie Railroad and the Public Service Corporation. But it should be borne in mind that the arrangement to transfer its passengers through the McAdoo tunnels a ferry service will be established.

The type of monorail to be used is the one now being exhibited at Jamestown. It is the invention of Howard H. Tunis, a civil engineer of Baltimore. A contract has already been made by the promoters of the company with Mr. Tunis for the use of his system. The American monorail, as it is called, was described yesterday by one of those connected with the new company as being a car forty-seven feet long, six feet wide and tapering at each end, so as the more easily to cut its way through the air at high speed. The car is supported on two trucks of two wheels each, arranged tandem, flanged on each side and running on a single rail. The car being light, and its weight principally at the bottom, it tends naturally to support itself in an upright position, and is securely in the position by what is called the equilibrium device, arranged on top of the car, which is a combination of trolley pole and overhead support. The car is equipped with eight motors.

When the heads of the scheme make their public announcement it will be promised that there shall never be any over-capitalization and that the company will be so officered and managed as to insure a constant dividend of 10 per cent. The promoters of the road and the railroad and the public on the one hand and its employees on the other. An attempt will be made to do away with strap hangers, it having been concluded that the great speed of the trains and the frequency of the service will make this possible.

John H. Starin said last night:

"An average speed of from 60 to 100 miles an hour for passenger trains ought to satisfy even the hurrying leg, and if it doesn't the speed can easily be pushed up to even a higher average. As an owner of transportation lines, the thing which appeals to me in this new system is its striking commercial advantages. It can be built almost anywhere—in a narrow city street, because it is narrow and has only one rail, thus taking up very little room; through rough and inaccessible country, because it is master of the hard problem of grades—and wherever built it can be done cheaply. In comparison with the great cost of the trolley or even trolley railroad. Take, for instance, the three track steel elevated viaduct structure which New York has constructed in the Bronx borough as an extension of its subway system. It cost the great sum of \$750,000 a mile. The American monorail structure can be built, four tracked, for \$75,000 a mile, elevated, and it can be maintained and operated with equal economy and far greater efficiency.

In a word, it seems to me that this is the coming thing, and I am pleased that I have been able, before laying down for good my work as a Rapid Transit Commissioner, to be instrumental, even as I say, in a small way, in making it known to the world."

BAGGAGE THIEVES CAUGHT.

One Had a Baggage Man's Metal Hat Tag—Lost Recovered.

The Pennsylvania Railroad has been getting complaints from travellers who have found their hand baggage had been stolen. George Spencer and George H. Valley, the road's detectives, with Lieut. Summers from the Central Office, who have been at the Twenty-third street ferry for five or six days, spotted two men yesterday who seemed to be abnormally interested in the contents of the baggage room. They followed the pair to Jersey City, watched them sizing up the stuff in the station there and got Detective Barker of the Jersey City police to arrest them on suspicion.

Last night the suspects got the third degree and the police say they owned up. John Patton, alias Sam Zucco, and Thomas J. McCarter, alias John Christie, were the names they gave. Some of the loot, they said, could be found in their room at 60 Third avenue. At that address the police found a trunk crammed with good clothes, a suit case, a valise and a metal hat tag reading "Baggage Man, New York Transfer Company."

At Fortieth street and Third avenue, three more valises and two bags turned up. In a pawnshop was found a pearl and diamond brooch which had been reported missing from the kit of C. M. Merrill, said to be District Attorney at Toledo, Ohio. The silver tag from Merrill's bag was in the possession of Zucco.

The Black Island service of the Montauk Steamboat Co. will be resumed on Saturday, June 28th. The steamer "Shirley" will leave N. Y. on Tuesday (except July 2d and Thursday, July 4th) at 10 A. M. on Saturdays and July 2d at 1:00 P. M.—Ad.

TEXAS TO BE DRY TEN DAYS.

Saloon Men Agree to Take a Vacation Under New Law.

AUSTIN, Tex., June 26.—Prohibition will prevail in Texas for a period of ten days beginning July 11. The new liquor law passed by the last Legislature provides that all saloon licenses expire on July 12 and that period of ten days while their applications for new licenses are pending.

Latest Marine Intelligence.

Arrived: SS Smolensk, from Libau, June 16.

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BODY FALLS INTO A CAR.

Pelice Think Man Killed in an Odd Way on the Bridge Commuted Suicide.

While trolley car 2700 was speeding over the Brooklyn Bridge toward Manhattan at 9:30 o'clock last night a man's body shot through the second window from the rear of the car and fell in the aisle. Six passengers in the car were badly frightened and the conductor after a short examination saw that the man was dead.

Where the body came from is a mystery. Patrick Ascher, the motorman, says the front of the car didn't strike the man. The bridge police think that the man attempted to commit suicide by throwing himself from the promenade above into the roadway in front of the car.

The police figure that the man misjudged the speed of the car, which was going at a lively rate, and landed against the side, falling through an open window. An examination of the body showed that the ribs were crushed in on the right side and there was evidence that the man had been crushed internally.

The dead man was about 30 years old, 5 feet 8 inches in height, weighed 145 pounds, had dark hair, blue eyes and two upper teeth were capped with gold. He wore a black sack suit, white flannel negligee shirt and black shoes. His hat was nowhere to be found. In the pockets were found two keys, a cheap watch, 46 cents and several cards, among which was one reading: "J. Nelson, 788 Third Avenue, Brooklyn."

The police found a man named Nelson at that address. He said he had a brother John answering the description that the police had of the dead man and went to the Morgue to view the body.

The place where the man's body shot through the car window is half way between the Brooklyn tower and the anchorage on the other side of the bridge.

NO CONTRABAND OF WAR.

Hague Conference Started by England Giving Up Old Contentions.

Special Cable Despatch to THE SUN.

LONDON, June 27.—The Hague correspondent of the Daily Mail says that some sensation has been caused by a report that Great Britain is prepared to abandon the principle of contraband of war. This departure from the British attitude, the last of which was decided first to the impossibility of defining contraband; second, to the danger of enforcing the right of search; and third, to the changed conditions of land transport. The fact that Great Britain proposes to introduce the subject may be taken as proof that it is supported by some of the Great Powers.

The Times' Hague correspondent confirms the report that Great Britain has submitted to the peace conference a proposal to abolish contraband of war.

THE HAGUE, June 26.—The Italian delegation to the peace conference officially denies intervening in any manner in the case of Gen. Ferrera of the Cuban delegation, who has resigned. According to report, Italy protested to some of the Powers against Gen. Ferrera's presence at the conference on the ground that he was an anarchist.

VOTE AGAINST THE PEERS.

House of Commons Adopts Bannerman Resolution—Laborites Beaten.

Special Cable Despatch to THE SUN.

LONDON, June 26.—After rejecting a Labor amendment to the Prime Minister's resolution for the curtailment of the power of the House of Lords by a vote of 315 to 10 the House of Commons by a vote of 432 to 147 adopted the original resolution amid the enthusiastic cheers of the Ministerialists. Herbert Asquith, Chancellor of the Exchequer, who wound up the debate for the Government, declared himself a reluctant convert to the Premier's method of dealing with the problem. He had once, he said, coquetted with a referendum scheme and had hoped for a constitutional modus vivendi between the two houses, such as obtained under the leadership of the Duke of Wellington, but the experience of recent years showed that the hope was not attainable.

The House of Lords had ceased to hold the position of a dispassionate, unprejudiced umpire. The peers had fallen into the hands of guides outside their chamber, who had degraded them from their position of a revising authority into an instrument of a single party. The situation had become dangerous and intolerable. By decisively adopting the resolution they would have taken the first and longest step toward the emancipation of the people.

POLICE CAPTAIN DIDN'T KNOW.

Evans, 20 Years a Cop, Tells Magistrate Crap Shooters Use Three Dice.

Police Captain Evans of the Herbert street station, Williamsburg, was called before Magistrate O'Reilly in the Manhattan avenue police court yesterday as a witness for the prosecution in the case of Tony Severo, a young Italian who with others had been arrested for shooting craps.

In the course of the captain's cross-examination by Severo's attorney the latter asked Capt. Evans to define what constitutes crap shooting.

"Why," said the captain, "you take three dice, shake them and then toss them on the ground."

"Don't you know," continued the Magistrate, "that you have only two dice? I wish that I could recommend to the Civil Service Commissioners that in future examinations of applicants for the police department questions relating to crap shooting be inserted in the papers."

The case against Severo was dismissed.

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Saloon Men Agree to Take a Vacation Under New Law.

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TWO KILLED BY LIGHTNING

MAN AND GIRL HIT BY BOLTS AT DIFFERENT PLACES.

A Westchester Tornado Takes Away Dan Quinn's Barn—Two Churches Hit in This City—Queer Accident to Boy in Brooklyn—Showers Cooled the Air.

There was a series of thunderstorms in this city and vicinity yesterday in which two lives were lost and some damage done. A man was instantly killed by a bolt in Brooklyn in the storm which occurred last evening, and a young girl met her death while seeking refuge under a tree near Orange, N. J.

The girl was Rose Mary McKenna, the eleven-year-old daughter of Deputy Internal Revenue Collector James P. McKenna of 292 Fourth Avenue.

The child was a member of a picnic party that left Newark early in the day in charge of John A. McKenna, an uncle of the girl. While they were playing in a grove at Union, near East Orange, an electrical storm came up, and before Rose could seek shelter she was hit by a bolt. Her uncle and companions hastened to her side only to find her dead. The body was removed to an adjacent farmhouse and subsequently taken to the parents' home in Newark.

The man killed in Brooklyn was John Lawless, 50 years old, of 48 Court street. Lawless was working at the foot of Sixth street aboard a canalboat belonging to the Brooklyn Union Gas Company. When the storm broke over that section most of the men sought shelter from the electrical manifestation that played about the metal work and rigging, but Lawless failed to take this precaution. After he was struck his body was removed to shelter by members of the crew that had witnessed the accident and an ambulance was summoned. Dr. Doyle of the Long Island College Hospital responded, but was unable to do anything for the victim of the bolt. The body was removed to the Court street address.

Another accident of a peculiar nature befell six-year-old William Taylor, who resides with his parents at 64 Franklin avenue when he isn't playing in the sand with his gang around the corner of Flushing avenue. He was playing in the sand pile at the time of the storm last night and he didn't scamper home as soon as it began to rain. So the sand became saturated while little Billy made frog houses. It was in prime condition for transmitting electricity when a bolt of lightning struck the iron post around which it is heaped.

Most of the boys received shocks of more or less intensity, but little Billy Taylor is the only one who can show real scars for his experience. His body is pitted with little black marks and his hands and face are severely burned. But for the presence of the wire that are strung on the pole and dissipated the shock the bolt undoubtedly would have killed little Billy and probably two or three of his companions.

Dr. Dangler of the Williamsburg Hospital attended the little fellow and declared that the accident was one of the strangest in his experience. He took the boy to his home in the ambulance.

At several points in Westchester county in the afternoon the thunderstorm took on the nature of a small tornado. It was especially severe near Valhalla, where it blew down trees and small barns for a space of nearly a mile south of the village. Many of the trees were big apple and locust trees, some of which were pulled up by the roots.

A farm owned by Justice of the Peace Daniel W. Quinn was one of those to go. A section of the roof was carried seventy-five feet away.

The storm there in the afternoon lasted half an hour and before it broke the skies were so black that persons living in the hills ran to the valley for safety. It was accompanied by a heavy rain.

Much damage to telegraph and trolley wires was done in the neighborhood of Elmsford, between White Plains and Tarrytown. The wires of the Union Railway Company were blown down for a considerable distance and many street cars were held up. Telephone wires also were affected.

The little Episcopal Chapel of the Atonement at McGraw and Hammond avenues in the Bronx was struck by lightning at 9:30 P. M. The thirty foot steeple was knocked off and the roof was badly shattered. No one was inside at the time.

A copula on St. Monica's Roman Catholic Church at 409 East Seventy-ninth street was struck by lightning in the afternoon, shattered into two parts and tumbled into the street. No one was near at the time and no injuries resulted. The damage was about \$800. The church is just being completed and has not yet been dedicated.

The thunderstorms had the effect of cooling the air just when people were sweating, and came as a grateful relief to the city.

HEAD SLEUTH MUST BE A COP.

Gen. Bingham Advised That He Cannot Appoint an Outsider.

Corporation Counsel Ellison has advised Police Commissioner Bingham that he cannot put an outsider at the head of the Detective Bureau. When the Legislature passed the bill last April allowing Gen. Bingham to reorganize the Police Department it was generally understood that the measure authorized the Commissioner to appoint anybody to command the bureau.

Mr. Ellison yesterday informed the Commissioner that he had been unable to find that the bill contained any such authority. Quoting from the bill Mr. Ellison pointed out that it merely provided that the person who might be assigned to the command of the bureau should receive the same salary as a captain detailed to act as inspector. Continuing, Mr. Ellison wrote:

If the Legislature intended to work such an innovation and vest you with the power to make such an appointment the idea would have been very clearly expressed. The word "appoint" is not employed. Instead, it is used the term "assigned," which indicates, it seems to me, the same as "transferred," and presupposes that the person in command of that bureau must be an officer who is "assigned or transferred" from some other branch of the service.

Again, as there is a grave question whether the Legislature can constitutionally confer upon you the right to appoint a civilian to the head of that bureau, a construction which harmonizes the statute with the Constitution and preserves the validity should prevail.

DEWEY'S "BUTY CUVEE" CHAMPAGNE.

Deliciously Imported.

Mr. D. Dewey & Son Co., 133 Fulton St., N. Y. Ad.

The Parity of Burnett's Vanilla.

Is never questioned